

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DANNY JOE LAWTON WEBB, II, et al.,
Plaintiffs,

v.

JUAN P. MORALES-RAMOS, et al.,
Defendants.

Civil No. 22 -1311 (GLS)

ORDER

The only claims pending in the above-captioned case are the ones of Plaintiff Danny Joe Lawton Webb II and the conjugal partnership. Since June 12, 2023, Plaintiff Lawton Webb II has failed to appear before the Court and has continuously disregarded the Court's orders to diligently prosecute this case. See Docket Nos. 19, 20, 21, 27, 28, 33.¹

The Complaint in this case was filed on June 28, 2022. Docket No. 1. The Court scheduled the case for discovery and trial. Discovery concluded on August 8, 2023, and the case is set for trial to begin in March 2024. On June 12, 2023, counsel for Plaintiffs requested withdrawal. Plaintiffs were granted 30 days to announce new legal representation. Docket No. 19. They did not. As such, on August 23, 2023, the Court again instructed Plaintiffs to announce new legal representation by September 5, 2023. Docket No. 20. Plaintiffs were notified of the Court's order at their address of record. Plaintiffs failed to comply with that order as well. On September 7, 2023, the Court noted that Plaintiffs had failed to comply with the Court's orders or otherwise appear and scheduled a Status Conference to be held on October 13, 2023. Again, Plaintiffs were notified of the Court's order at their address of record. On September 25, 2023, Plaintiff Yadira Ortiz-Piñeiro moved for voluntary dismissal of her claims with prejudice. Docket Nos. 23-24. The Court entered Partial Judgment at Docket No. 26 and ordered Plaintiff Lawton Webb II to inform the

¹ The mail sent to Plaintiff has been returned as undeliverable. Docket Nos. 31, 32, 34. As such, the Court sent Plaintiff copy of the orders via email.

Court by October 6, 2023 whether he and the conjugal partnership intended to continue to prosecute their claims against Defendants. Docket No. 27. That order was also notified to Plaintiff Lawton Webb II at his address of record to no avail. Again, Plaintiff Lawton Webb II failed to comply with the Court's order.

On October 13, 2023, Plaintiff Lawton Webb II failed to appear at the Status Conference. On that same day, the Court issued an order to show cause why sanctions should not be imposed for failure to appear. Docket No. 28. Plaintiff Lawton Webb II was notified at his address of record. Again, Plaintiff Lawton Webb II failed to appear or show cause. On October 26, 2023, the Court gave one final opportunity to Plaintiff Lawton Webb II and the conjugal partnership to make an appearance on or before November 20, 2023 and explain their interest, if any, in the continued prosecution of this case. Docket No. 33. The Court's order was again disregarded.²

District court judges, and magistrate judges presiding over a civil case under the parties' consent, inherently hold the authority to regulate their dockets and First Circuit precedent permits them to rely upon Fed. R. Civ. P. 41 (b) when considering whether to involuntarily dismiss a case *sua sponte*. See García-Perez v. Hosp. Metropolitano, 597 F.3d 6, 7 (1st Cir. 2010); see also Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962). Plaintiff Lawton Webb II's inaction violates Fed. R. Civ. P. 41 (b) and the Court's inherent power to regulate its docket. Cosme Nieves v. Deshler, 826 F.2d 1, 2 (1st Cir. 1987). The Court cannot and will not continue to wait for Plaintiff Lawton Webb II to prosecute his case. The Court takes Plaintiff Lawton Webb II's inaction as a clear lack of interest in his claims.

For the reasons stated above, the Court **DISMISSES** this case with prejudice for Plaintiff Lawton Webb II's failure to diligently prosecute his claims pursuant to Fed. R. Civ. P. 41 (b). Judgment is to be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 6th day of December 2023.

s/Giselle López-Soler
GISELLE LÓPEZ-SOLER
 United States Magistrate Judge

² The Court's order at Docket No. 33 was returned as undeliverable. See Docket No. 34 ("Return to Sender. Refused. Unable to forward.") (Emphasis added). But Plaintiff Lawton Webb II was also notified by email.